

United States District Court
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

HOWARD DALE TOLBERT,
Plaintiff,

V.

MICHAEL J. ASTRUE,
*Commissioner of the Social
Security Administration,*
Defendant.

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JUDGMENT IN A CIVIL CASE
CASE NO. 7:09-CV-68-D

Decision by the Court:

IT IS ORDERED AND ADJUDGED that the Court has reviewed the Memorandum and Recommendations, the record, and the briefs. The Court is satisfied that there is no clear error on the face of the record. Plaintiff's motion for judgment on the pleadings is GRANTED, defendant's motion for judgment on the pleadings is DENIED, and the action is REMANDED to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings as set forth in the Memorandum and Recommendations.

THE ABOVE JUDGMENT WAS ENTERED TODAY, **JANUARY 13, 2011** WITH A COPY TO:

Monica Rathke Savidge (via CM/ECF Notice of Electronic Filing)

Charlene P. Bellinger-Honig (via CM/ECF Notice of Electronic Filing)

January 13, 2011
Date

DENNIS P. IAVARONE, Clerk
Eastern District of North Carolina

/s/Debby Sawyer
(By) Deputy Clerk

Raleigh, North Carolina